



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ETHERTRONICS, INC.
9605 SCRANTON ROAD, SUITE 850
SAN DIEGO CA 92121

COPY MAILED

MAY 11 2006

OFFICE OF PETITIONS

In re Application of :
Krier, et al. :
Application No. 10/643,102 : ON PETITION
Filed: August 18, 2003 :
Attorney Docket No. 024833-2602//E108-US :
For: OPTIMIZED CAPACITIVE DIPOLE :
ANTENNA FOR SIZE :

This is a decision on the petition under 37 CFR 1.137(b), filed March 27, 2006 (certificate of mailing March 22, 2006), to revive the above-identified application.

The above-identified application became abandoned for failure to reply to the non-final Office action mailed November 17, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 18, 2005. A Notice of Abandonment was mailed on June 30, 2005.

Petitioners have submitted an amendment in reply to the November 17, 2004 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the November 17, 2004 non-final Office action, and the required petition fee.¹

The petition is **GRANTED**.

The 373(b) statement filed on March 27, 2006 (certificate of mailing March 22, 2006) is not acceptable because G. Peter Albert Jr.'s title is missing. It is noted that different individuals signed the 373(b) statement and the power of attorney filed with the instant petition. The power

¹ The person signing the statement of delay was not in a position of directly knowing whether the entire period of delay was unintentional. If practitioner has minimal knowledge as to the nature of the delay, practitioner should make a reasonable inquiry into the reasons behind the delay. If it is discovered that the delay was not unintentional, practitioner must notify the Office promptly.

of attorney will not be entered at this time. A courtesy copy of this decision will be mailed to the address listed on the petition.

The application file is being forwarded to Technology Center AU 2821 for consideration of the amendment filed on March 27, 2006 (certificate of mailing March 22, 2006).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, appearing to read "E. Shirene Willis". The signature is fluid and cursive, with the first letter of the first name being a large, stylized capital 'E'.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: FOLEY & LARDNER LLP
321 NORTH CLARK STREET
SUITE 2800
CHICAGO, IL 60610-4764